

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT CARL KINDELL,

Defendant.

Case No. 3:23-cr-00039-ART-CLB

**ORDER APPROVING (ECF No. 14)**

**Stipulation Pursuant to ECF No. 11**

I. The Government's Discovery<sup>1</sup>

A. Discovery under FRCP 16(a)(1)(A)-(F)

The Defendant's Statements

The statements of the defendant have been disclosed.

USAO000001, USAO000066-USAO000086, USAO000061-USAO000062  
disclosed on January 3, 2024.

---

<sup>1</sup> The government recognizes its discovery obligations are ongoing. The government reserves its right to produce subsequent discovery and use it at future proceedings, such as any hearings, trial, or sentencing.

1                   The Defendant's Criminal History

2                   The criminal history of the defendant has been disclosed.

3                   USAO000002-USAO000060, disclosed on January 3, 2024.

4                   Documents and Tangible Objects

5                   The defendant may examine the physical evidence discoverable under Rule  
6 16, including original documents, by contacting the government to arrange a mutually  
7 convenient time.

8                   Reports of Examinations and Tests

9                   The government will provide the defense with copies of any reports of  
10 examinations or tests in this case as they become available.

11                   Expert Witnesses

12                   The government will provide expert witness disclosures consistent with  
13 Federal Rule of Criminal Procedure 16(a)(1)(G) for its' Case in Chief no later than 60 days  
14 before trial. The Defense will provide its expert witness disclosures consistent with Federal  
15 Rule of Criminal Procedure 16(b)(1)(C) no later than 14 days after the government's expert  
16 notice is due. The government will provide expert witness disclosures consistent with  
17 Federal Rule of Criminal Procedure 16(a)(1)(G) for its rebuttal case no later than 7 days  
18 after the defendant's expert notice is due.

19                   B.       Brady, Giglio, and Henthorn Material

20                   The government understands and will comply with its continuing obligation  
21 to produce exculpatory material as defined by *Brady v. Maryland*, 373 U.S. 83 (1963), and its  
22 progeny. Before trial, the government will furnish materials discoverable pursuant to Title  
23  
24

18, United States Code, Section 3500, as well as impeachment materials. *See Giglio v. United States*, 405 U.S. 150 (1972) and *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991).

C. Discovery under FRCP 12.1, 12.2. and 12.3

The government will request notice of any alibi defense 60 days before trial. The defendant will respond within 14 days after the request.

The government cannot make any requests under Rules 12.2 nor 12.3 until triggered by a notice of such defenses by the defendant, and therefore, a deadline cannot be addressed at this time.

II. The Defendant's Disclosures

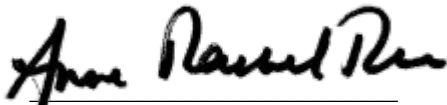
The defendant will provide any expert witness disclosures consistent with Federal Rule of Criminal Procedure 16(b)(1)(C) no later than 14 days after the government's expert notice is due. Defendant will file any written notice of an alibi defense, insanity defense, expert evidence of a mental condition, or public authority defense consistent with FRCP 12.1, 12.2, and 12.3.

DATED this 7th day of February, 2024

JASON M. FRIERSON  
United States Attorney

/s/Andrew Keenan  
ANDREW KEENAN  
Assistant United States Attorney

APPROVED.



Anne R. Traum  
United States District Judge

RENE VALLADARES  
Federal Public Defender

/s/Joy Chen  
JOY CHEN  
Assistant Federal Public Defender  
Counsel for Robert Carl Kindell

DATED: February 12, 2024.